

In re Patent Application of:
KARL GUENTHER, et al
Serial No. 10/685,300
Filing Date: 10/14/2003

Remarks

Applicant and the undersigned would like to thank the Examiner for his efforts and guidance provided in the examination of this application, for the allowability of claims 29-32 and 42-45, and for the allowance of claims 73-87. Claims 1, 2, 4-16, 19-38, 40-49, 51-87 remain in the case. Claims 3, 17, 18, 39 and 50 are cancelled by this amendment.

Claims 1-17, 19-23, 25-28, 33041, 46-53, 55-57, 59, 60, 62-66, 68, 69, 71 and 72 were rejected under 35 USC §102(b) as being anticipated by US Patent No. 3,861,315 to Rypinski. Claims 24, 54, and 58 were rejected under 35 USC §103(a) as being unpatentable over Rypinski '315. Claims 18, 61, 67, and 70 were rejected under 35 USC §103(a) as being unpatentable over Rypinski '315 in view of US Patent No. 5,381,737 to Trenary.

Independent claims 1, 38, and 46 are amended to call for a rigid suspension member and rigidly attaching the car body to the suspension member. Such limitations clearly distinguish over the teachings of Rypinski '315, which neither discloses nor suggests such a structure. As supported by the Declaration of Wilfred Sergeant, problem result from a structure suggested by Rypinski '315 that are resolved by the teachings of the present invention. Further, while Trenary '737 discloses a support shaft (20), such shaft is pivotally attached to the car body (28), as illustrated by way of example with reference to FIG. 3 of the '737 reference.

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Independent claims 11, 60, and 68 call for synchronized and tapered wheels.

The prior art does not disclose or suggest such limitations as supported by the Declaration of Wilfred Sergeant. Treanary '717 discloses running wheels (4) on two running rails (3), without a teaching or suggestion for synchronizing the wheel pairs, or tapering the wheels. Yet further, there is no disclosure for suspending the car body as called for in the claimed invention with a center of rotation of the car body above the physical connection to the chassis, or as in claims 60 and 68, having the wheel pairs synchronized and tapered for self centering.

The Examiner continues to interpret "superelevation" as in a previous office action. Clarification regarding use of the term "superelevation" and its definition as having one rail in a rail pair higher than an opposing rail, it is now felt that its use distinguishes over the prior art. The specification supports the standard use of superelevation. Superelevation, as called for in the claims now includes further descriptive language to avoid any misreading of the term as used in the specification and claims. As earlier presented, there are desirable results using superelevation in suspended car bodies resulting from the teachings of the present invention that are neither described nor suggested in the prior art.

With amended independent claims now more clearly distinguishing over the prior art, their dependent claims, adding yet further limitations, also distinguish over the prior art. Therefore, Applicants respectfully submit that the above amendments place this

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application in a condition for allowance, and passage to issue is respectfully solicited.

The Applicants and the undersigned would like to again thank the Examiner for his efforts in the examination of this application and for reconsideration of the claims now in the case. If the further prosecution of the application can be facilitated through telephone interview between the Examiner and the undersigned, the Examiner is requested to telephone the undersigned at the Examiner's convenience.

Respectfully submitted,

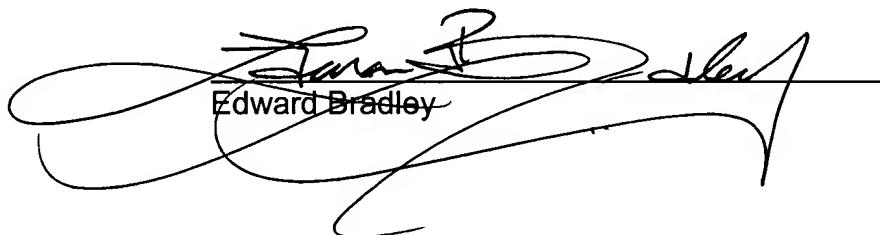


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CERTIFICATE OF MAILING

I hereby certify that the foregoing is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 5th day of July, 2005.



Edward Bradley

A handwritten signature in black ink, appearing to read "Edward Bradley". The signature is fluid and cursive, with the name written in a stylized, overlapping manner.